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10 Attorneys for Defendants,  
11 TESLA, INC. DBA TESLA MOTORS, INC.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 DEMETRIC DI-AZ, OWEN DIAZ AND  
LAMAR PATTERSON

16 Plaintiffs,

17 v.

18 TESLA, INC. DBA TESLA MOTORS,  
19 INC., CITISTAFF SOLUTIONS, INC.;  
WEST VALLEY STAFFING GROUP;  
20 CHARTWELL STAFFING SERVICES,  
INC.; NEXTSOURCE, INC.; and  
21 DOES 1-10, inclusive

22 Defendants.

Case No. 17-cv-06748-WHO

**DECLARATION OF PATRICIA M. JENG IN  
SUPPORT OF DEFENDANT TESLA, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
DOCUMENTS UNDER SEAL IN SUPPORT  
OF DEFENDANT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: December 18, 2019  
Time: 2:00 p.m.  
Courtroom: 2, 17<sup>th</sup> Floor  
Judge: Hon. William H. Orrick

Trial date; March 2, 2020  
Complaint filed: October 16, 2017

*[Filed concurrently with Defendant's  
Administrative Motion to File Documents Under  
Seal and Proposed Order]*

1 I, Patricia M. Jeng, declare as follows:

2 1. I am an attorney with Sheppard Mullin Richter & Hampton, LLP, counsel of record  
3 for Tesla, Inc. dba Tesla Motors, Inc. (“Tesla” or “Defendant”). I submit this Declaration in support  
4 of Tesla’s Motion to File Documents Under Seal In Support Of Its Motion For Summary Judgment.  
5 I make this declaration as to my own personal knowledge and, if called as a witness, I could and  
6 would competently testify to all facts contained herein.

7 2. On June 18, 2018, a Stipulated Protective Order was entered in this matter. (Dckt.  
8 No. 50.) The Order allows a producing party to designate a document or other evidence  
9 “CONFIDENTIAL” where it contains information which qualifies for protection under Federal  
10 Rule of Civil Procedure 26 (c).

11 3. Exhibit 1 to this declaration consists of true and correct copies of relevant excerpts  
12 and Exhibits from the deposition of Owen Diaz, Deposition Exhibit (“Depo Exh.”) 13 (Bate stamped  
13 TESLA-0000043-TESLA-0000045), and Deposition Exhibit 24, (Bate stamped TESLA-0000001),  
14 taken in the above captioned matter on May 22, 2018, which Tesla marked as “confidential”  
15 pursuant to the Stipulated Protective Order and therefore is filed under seal pursuant to the terms of  
16 the Stipulated Protective Order. The relevant deposition excerpts and Depo Exh.13, (Bate stamped  
17 TESLA-0000043-TESLA-0000045), should be sealed because they contain private information  
18 related to the individual’s work history. Additionally, the relevant deposition excerpts and Depo  
19 Exh. 24 (Bate stamped TESLA TESLA-0000001), should be sealed because they contain and  
20 confidential information about an individual’s family member, including about the family member’s  
21 medical and health condition. Tesla has a duty to not disclose this information to the public.

22 4. Exhibit 2 to this declaration consists of true and correct copies of relevant excerpts  
23 from the deposition of Owen Diaz, taken in the above captioned matter on December 3, 2018, which  
24 Tesla marked as “confidential” pursuant to the Stipulated Protective Order and therefore is filed  
25 under seal pursuant to the terms of the Stipulated Protective Order. The testimony contains personnel  
26 information and workplace information about Tesla employees or contract workers who are not  
27 parties to this litigation, including the outcome of an investigation of a complaint made against a  
28 contract worker. Disclosing such information would constitute an invasion of privacy.

1           5.       Exhibit 4 to this declaration consists of true and correct copies of relevant excerpts  
2 from the deposition of Demetric Di-az, taken in the above captioned matter on May 15, 2018, which  
3 Tesla marked as “confidential” pursuant to the Stipulated Protective Order and therefore is filed  
4 under seal pursuant to the terms of the Stipulated Protective Order. The testimony contains  
5 personnel information and workplace information, including alleged complaints, about Tesla  
6 employees or contract workers who are not parties to this litigation. Disclosing such information  
7 would constitute an invasion of privacy. Moreover, the testimony is about correspondence and  
8 internal confidential messages related to employee misconduct and to sensitive investigations  
9 regarding the same matters.

10           6.       Exhibit 5 to this declaration consists of true and correct copies of relevant excerpts  
11 from the deposition of Demetric Di-az, taken in the above captioned matter on December 4, 2018,  
12 which Tesla marked as “confidential” pursuant to the Stipulated Protective Order and therefore is  
13 filed under seal pursuant to the terms of the Stipulated Protective Order. The testimony contains  
14 information about Tesla employees or contract workers and information related to security protocol  
15 at the Tesla factory. Disclosing such information would constitute an invasion of privacy.

16           7.       Exhibit 10 to this declaration consists of true and correct copies of relevant Exhibits  
17 from the deposition of Edward Romero, Depo Exh. 42 (Bate stamped TESLA-0000510), Depo Exh.  
18 43, (Bate stamped TESLA-0000511), Depo Exh. 55 (Bate stamped TESLA-0000641), Depo Exh.  
19 56, (Bate stamped TESLA-0000135), and Depo Exh. 65 (Bate stamped TESLA-0000127-TESLA-  
20 0000128), taken in the above captioned matter on November 30, 2018, which Tesla marked as  
21 “confidential” pursuant to the Stipulated Protective Order and therefore are filed under seal pursuant  
22 to the terms of the Stipulated Protective Order. The Exhibits contain personnel information and  
23 workplace information about Tesla employees or contract workers who are not parties to this  
24 litigation. Disclosing such confidential information would constitute an invasion of privacy rights  
25 of former and current employees and/or contractors. In addition, the Exhibits contain information  
26 about workplace complaints and internal communications regarding the investigation of these  
27 matters and the disciplinary record of employees and contract workers who are not parties to this  
28 litigation. This type of information is not only protected by the privacy rights discussed above, but

1 it is also sensitive, non-public information relating to Tesla's response to workplace complaints and  
2 any potential discipline or recommendations for discipline of employees and contract workers.  
3 Disclosure of the information would reveal confidential information related to internal  
4 investigations.

5       8.       Exhibit 12 to this declaration consists of true and correct copies of Exhibits from the  
6 deposition of Victor Quintero, Depo Exh. 38 (Bate stamped TESLA-0000002, TESLA-0000020,  
7 TESLA-0000022-TESLA-0000024), Depo Exh. 39 (Bate stamped TESLA0000025-  
8 TESLA0000029), taken in the above captioned matter on June 7, 2018, which Tesla marked as  
9 "confidential" pursuant to the Stipulated Protective Order and therefore are filed under seal pursuant  
10 to the terms of the Stipulated Protective Order. The Exhibits contain personnel information and  
11 workplace information about Tesla employees or contract workers who are not parties to this  
12 litigation. Disclosing such confidential information would constitute an invasion of privacy rights  
13 of former and current employees and/or contractors. In addition, the Exhibits contain information  
14 about workplace complaints and internal communications regarding the investigation of these  
15 matters and the discipline record of employees and contract workers who are not parties to this  
16 litigation. This type of information is not only protected by the privacy rights discussed above, but  
17 it is also sensitive, non-public information relating to Tesla's response to workplace complaints and  
18 any potential discipline or recommendations for discipline of employees and contract workers.  
19 Disclosure of the information would reveal confidential information related to internal  
20 investigations.

21       9.       Exhibit 17 to this declaration consists of true and correct copies of relevant Exhibits  
22 from the deposition of Wayne Jackson, Depo Exh. 123, TESLA-0000629, Depo Exh. 124, TESLA-  
23 0000635- TESLA-0000636, Depo Exh. 125, TESLA-0000644, Depo Exh. 128, TESLA-0000020,  
24 taken in the above captioned matter on May 17, 2019, which Tesla marked as "confidential"  
25 pursuant to the Stipulated Protective Order and therefore are filed under seal pursuant to the terms  
26 of the Stipulated Protective Order. The Exhibits contain personnel information and workplace  
27 information about Tesla employees or contract workers who are not parties to this litigation.  
28 Disclosing such confidential information would constitute an invasion of privacy rights of former

1 and current employees and/or contractors. In addition, the Exhibits contain information about  
2 workplace complaints and internal communications regarding the investigation of these matters and  
3 the discipline record of employees and contract workers who are not parties to this litigation. This  
4 type of information is not only protected by the privacy rights discussed above, but it is also  
5 sensitive, non-public information relating to Tesla's response to workplace complaints and any  
6 potential discipline or recommendations for discipline of employees and contract workers.

7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct.

9 Executed this 29th day of October 2019, at San Francisco, California.

10 By /s/ Patricia M. Jeng  
11 PATRICIA M. JENG  
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